

### **REMARKS**

Claims 6, 10, 13, 18, 21, 22, 23, 26, 29, 42, and 82 stand rejected under 35 USC §102(a) as being anticipated by U.S. Patent No. 6,810,200 to Aoyama et al. ('Aoyama').

According to MPEP §2131, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

With respect to independent claim 6, the applicant respectfully asserts that the Examiner has at least failed to show where in the relied upon reference there is a teaching of an "authentication means for performing mutual authentication . . . between [the first apparatus] and the second apparatus." Relative to the above claim limitation, the Examiner has made a reference to Aoyama, Col. 10 lines 57-60 which reads:

The above embodiment describes the digital data recording control system 1000 that restricts the copying of music data written on a CD onto an SD card, although the copying of other forms of data may be restricted.

The applicant respectfully asserts that neither the Aoyama passage cited by the Examiner, nor the Aoyama reference as a whole, teaches performing mutual authentication between the playback and recording units.

Further with respect to independent claim 6, the applicant respectfully asserts that the Examiner has at least failed to show where in the relied upon reference there is a teaching of an "erasing means for erasing the contents from the [source] storage medium." Relative to the above claim limitation, the Examiner has made a reference to Aoyama, (Col. 10, lines 9-13) which teaches incrementing the counter of the number of recordings, and is absolutely silent as to deleting the contents. Although a thorough analysis of Aoyama has shown that Aoyama teaches "delet[ing] the music data . . . from the data storage unit 1071" (Col. 6, lines 23-25), Aoyama's Fig. 2 clearly shows that the data storage unit 1071 is a temporary data storage which is different from the first (source) storage medium and second (target) storage medium.

Further with respect to independent claim 6, the applicant respectfully asserts that the Examiner has at least failed to show where in the relied upon reference there is a teaching of an "encryption means from encrypting the output from the playback means, and outputting the encrypted data." Relative to the above combination, the Examiner has made references to Aoyama which teach "updat[ing] the information in the recording limit storage unit in accordance with an encrypted code inputted from the user" (Co. 12, lines 19-22). With respect to the "encrypted code," Aoyama (Col. 6, lines 28-33) discloses that

The encrypted code refers to information, which is composed of an ISRC and a limit on the number of times music data specified by the ISRC can be copied and which is encrypted in order to protect it from being tampered with. A music company or the like sells such encrypted code to the user.

Relative to the same claim limitation, the Examiner has further made a reference to a passage in Aoyama which teaches encrypting the contents of the recording number storage unit and the recording limit storage unit (Col. 6, lines 43-47). Hence, the applicant respectfully asserts that the Examiner has at least failed to show that Aoyama discloses an "encryption means from encrypting the output from the playback means, and outputting the data."

Further with respect to independent claim 6, the applicant respectfully asserts that the Examiner has at least failed to show where in the relied upon reference there is a teaching of a "second authentication means for performing mutual authentication . . . between [the second apparatus] and the first apparatus." Relative to the above claim limitation, the Examiner has made a reference to Aoyama which discloses a recording number update unit updating information in the recording number storage unit under the control of the record judging unit (Col. 6, lines 1-4). The applicant further respectfully asserts that Aoyama neither explicitly nor implicitly talks about mutual authentication between the playback and recording units.

Further with respect to independent claim 6, the applicant respectfully asserts that the Examiner has at least failed to show where in the relied upon reference there is a teaching of a "decryption means for decrypting the encrypted data." Relative to the

above claim limitation, the Examiner has made a reference to Aoyama which refers to a "digital data processing device preventing users from unrestrictedly making copies of audio data and/or image data present on a recording medium" (Col. 4, lines 8-12).

The applicant further respectfully asserts that Aoyama only mentions encryption in the context of an "encrypted code" containing ISRC and the number of authorized copies (Col. 6, lines 28-33), and encrypting the contents of the recording number storage unit and the recording limit storage unit (Col. 6, lines 40-45). The applicant further respectfully asserts that none of the two Aoyama teachings related to encryption are even remotely analogous to the applicant's decryption means for decrypting the encrypted playback data.

Finally, with respect to independent claim 6, the applicant respectfully asserts that the Examiner did not even attempt to show where in the relied upon reference there are teachings of performing a "mutual authentication . . . between the first authentication means and the second authentication means," encrypting and outputting the data of the contents by the encryption means, erasing the contents from the first storage medium by the erasing means, and decrypting and outputting the encrypted data by the decryption means when the output of the detection means indicates that the contents are copy-inhibited.

If the Examiner wishes to maintain the anticipation rejection of independent claim 6 over Aoyama, the Examiner is respectfully requested to explain where in the relied upon reference there are teachings related to all the limitations of independent claim 6.

Since independent claim 6 is arguably patentable over Aoyama, as a matter of law, dependent claim 21 is also patentable from Aoyama.

With respect to independent claims 10, 13, and 18, the applicant respectfully asserts that the Examiner has improperly grouped independent claims 6, 10, 13, 18 in a single rejection without showing that the rejection is equally applicable to all the grouped claims, as is required MPEP §707.07(d).

With respect to independent claim 10, the applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there are teachings related to: (a) "authentication means for performing mutual authentication . . . between [the first apparatus] and the second apparatus," (b) "erasing means for erasing the contents from the [source] storage medium," (c) "mutual authentication . . . between the first authentication means and the second apparatus," and (d) erasing the contents from the source storage medium by the erasing means. If the Examiner wishes to maintain the anticipation rejection of the independent claim 10 over Aoyama, the Examiner is respectfully requested to explain where in the relied upon reference there are teachings related to all the limitations of independent claim 10.

Since independent claim 10 is arguably patentable over Aoyama, as a matter of law, dependent claims 26, 29, 42, and 82 are also patentable from Aoyama.

With respect to independent claim 13, the applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there are teachings related to: (a) "authentication means for performing mutual authentication . . . between [the first apparatus] and the second apparatus," (b) "erasing means for erasing the contents from the [source] storage medium," (c) "encryption means for encrypting the output of the playback means, and outputting the encrypted data," (d) "mutual authentication . . . between the first authentication means and the second apparatus," (e) encrypting the data of the contents by encryption means responsive to detecting that the contents are copy-inhibited, and (f) erasing the contents from the source storage medium by the erasing means. If the Examiner wishes to maintain the anticipation rejection of the independent claim 13 over Aoyama, the Examiner is respectfully requested to explain where in the relied upon reference there are teachings related to all the limitations of the independent claim 13.

Since independent claim 13 is arguably patentable over Aoyama, as a matter of law, the dependent claim 22 is also patentable from Aoyama.

With respect to independent claim 18, the applicant respectfully asserts that the Examiner at least failed to show where in the relied upon reference there are teachings

related to: (a) "authentication means for performing mutual authentication . . . between [the first apparatus] and the second apparatus," (b) decryption means for decrypting the encrypted playback data," and (c) "mutual authentication . . . between the second authentication means and the first apparatus." If the Examiner wishes to maintain the anticipation rejection of the independent claim 18 over Aoyama, the Examiner is respectfully requested to explain where in the relied upon reference there are teachings related to all the limitations of the independent claim 18.

Since independent claim 18 is arguably patentable over Aoyama, as a matter of law, dependent claim 23 is also patentable from Aoyama.

With respect to the claim rejections argued by the applicants herein *supra*, while the applicants herein may have highlighted a particular claim element of a claim for purposes of demonstrating insufficiency of the examination on the parts of the Examiner, the applicant's highlighting of a particular claim element for such purpose should not be taken to indicate that the applicant has asserted an argument in support of patentability that a particular claim element constitutes the sole basis for patentability out of the context of various combinations of elements of the claim or claims in which it is present. The applicant notes that applicant maintains the right here forward to assert that each claim is patentable by reason of any patentable combination recited therein.

Claims 21-23 are amended to address minor typographical errors. The claim amendments are editorial in nature and neither alter the scope of the claims nor add new matter. In that the claim amendments respecting claims 21-23 do not alter the claim scope the claim amendments will not be regarded as "narrowing" claim amendments.

Accordingly, in view of the above amendments and remarks, the applicant believes all of the claims of the present application to be in condition for allowance and respectfully requests reconsideration and passage to allowance of the application.

If the Examiner believes that contact with the applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call the applicant's representative at the phone number listed below.

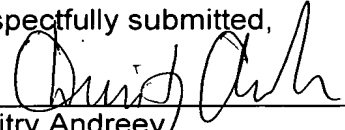
Application No. 10/031,360  
Amendment dated January 10, 2008  
Reply to Office Action of October 19, 2007

Docket No.: 967\_023

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: January 10, 2008

Respectfully submitted,

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